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FACEBOOK, INC.

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA
14
15 SAN JOSE DIVISION

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an
individual; DOE 1, d/b/a POWER.COM,
20 DOES 2-25, inclusive,

21 Defendants.

Case No. 5:08-cv-05780 JF (RS)

**[PROPOSED] ORDER GRANTING
FACEBOOK INC.'S MOTION TO
DISMISS COUNTERCLAIMS AND
MOTION TO STRIKE
AFFIRMATIVE DEFENSES**

Date: October 30, 2009
Time: 9:00 am
Judge: Hon. Jeremy D. Fogel
Courtroom: 3

1 The Motion of Facebook, Inc. to dismiss the First through Sixth Counterclaim of
2 Defendant's Power Ventures, Inc. and Steve Vachani, pursuant to Fed. R. Civ. Pro. section
3 12(b)(6) and the Motion of Facebook, Inc. to strike the First through Sixth Affirmative Defenses
4 of Power Ventures, Inc. and Steve Vachani came on for hearing on October 30, 2009, before the
5 Honorable Jeremy D. Fogel;

6 The Court, having considered the papers filed in support of and in opposition to
7 the motions, the arguments presented at the hearing and other matters relevant to the
8 determination of these motions

9 Hereby finds and ORDERS

10 1. The First through Sixth Counterclaims are dismissed pursuant to Fed. R. Civ.
11 Pro. 12(b)(6)

12 2. The First through Sixth Affirmative Defenses are stricken pursuant to Fed. R.
13 Civ. Pro. 12(f).

14
15 Dated: September 2, 2009

JESSICA S. PERS
Orrick, Herrington & Sutcliffe LLP

17
18 /s/ Jessica S. Pers
JESSICA S. PERS
Attorneys for Plaintiff and Counterdefendant
19 FACEBOOK, INC.

20
21 **CERTIFICATE OF SERVICE**

22 I hereby certify that this document(s) filed through the ECF system will be sent
23 electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)
24 and paper copies will be sent to those indicated as non registered participants on September 2,
2009.

25 Dated: September 2, 2009

Respectfully submitted,

26 /s/ Jessica S. Pers
27 JESSICA S. PERS

28 OHS West:260721316.1